



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,564	05/19/2005	Francisco Zurita Arguelles	94165	7261

7590 10/05/2006

Collen IP
The Holyoke-Manhattan Building
80 South Highland Avenue
Ossining, NY 10562

EXAMINER

MAHONE, KRISTIE ANNETTE

ART UNIT	PAPER NUMBER
----------	--------------

3751

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/535,564

Applicant(s)

ARGUELLES, FRANCISCO
ZURITA

Examiner

Kristie A. Mahone

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Priority

1. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in Spain on June 6, 2003 (No. 2003-01394). Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application; i.e. the declaration filed May 19, 2005 only claims foreign priority benefits to application PCT/ES 2004/00023, filed January 20, 2004. A new oath, declaration or application data sheet is required in the body of which the present application (2003-01394) should be identified by application number and filing date.

Ex Parte Quayle

2. This application is in condition for allowance *except for the formal matters outlined below*.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

4. The abstract of the disclosure is objected to because the word "said" appears in lines 7 and 10. Also, "aforementioned" in line 10 is unnecessary legal phraseology.

Correction is required. See MPEP § 608.01(b).

5. The abstract is objected to because the reference numerals used therein are inconsistent with the remainder of the disclosure. Specifically, lines 6-7 refer to a "peripheral flange", identified by reference character 2. However, the specification does not mention such part. Reference character 2 is used to designate the "body" at page 4, line 3 of the description. Further, lines 8 and 10-11 refer to a "second recess", identified by reference character 4. The specification does not disclose a "second recess." To be sure, reference character 4 is used to designate a "hollow area" at page 4, line 7 of the disclosure.

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 1 recites a "peripheral flange (2)" at line 9, which is not recited in the specification. Notably, the reference character 2 is used to designate the "body" at page 4 of the specification.

Claim 1 recites the limitation "flexible conduit" in line 6. However, the specification does not provide support for such limitation. Page 3 discloses "a *tubular projection* of increasing width configured as the outlet or zone for passing of the urine towards the direct collector thereof, to which end incorporated in the invention *in the upper zone of the tubular projection is an area shaped like non-rigid bellows or folds...*" (emphasis added). Thus, the specification is understood to provide support for (1) a tubular projection extending from the device and (2) a flexible region disposed above the tubular outlet; not a flexible tube or conduit. To be sure, Figure 2 shows a conduit (7), above which is a region with an accordion-like (folded) configuration (8). See also page 4 at 10-13.

Further, Claim 1 recites two recess portions: 3 (at the edge of "peripheral flange (2)") and 4 (located along the body). The specification does not provide proper antecedent basis for the "recess (4)" recited in lines 5, 10, and 11. The specification only provides antecedent basis for recess 3 (line 8). Reference character 4 is used to designate a "hollow area" at page 4, line 7 of the specification.

Claim Objections

7. Claim 1 is objected to for the following reasons. Presumably, there is a typographical error in line 7. On page 4 of the disclosure, the valve is identified by reference character 6; and the projection is identified by reference character 5. However, Claim 1 adopts the opposite convention; i.e. "valve (5) provided with a projection (6)." Appropriate correction is required.

8. Line 4 recites the limitation "the general body". There is insufficient antecedent basis for this limitation in the claim. Presumably, the applicant is referring to the "body" recited in line 2. Deletion of the term "general" from line 4 would remedy the antecedent basis problem.

9. Line 9 recites the limitation "the peripheral flange (2)". There is insufficient antecedent basis for this limitation in the claim.

10. Line 11 recited the limitation "the tubular projection (7)". There is insufficient antecedent basis for this limitation in the claim. Presumably, "tubular projection (7)" is meant to refer to "conduit (7)" recited in line 6.

Drawings

11. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the lines are not clean and even. Further, the lines are not sufficiently dense, dark, and well defined to permit adequate reproduction. See 37 C.F.R. § 1.84. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to because the "lateral tongue elements" mentioned in Claim 1 and in the disclosure are not labeled in Figure 1. Corrected drawing sheets in

Art Unit: 3751

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Mahone, whose telephone number is (571) 272-3680. The examiner can normally be reached on Monday -Friday 8:30A.M-5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571)272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kristie A. Mahone
Examiner
Art Unit 3751



JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700